

Before the Board of Zoning Adjustment, D. C.

Application No. 11419, of Ida Goldstein, S. Leon Kaye & Betty Gorman Kaye pursuant to Section 8207.1 of the Zoning Regulations for variances from the minimum lot area, width, side yard, lot occupancy and use requirements of the R-1-B District to permit the resubdivision of 3 lots into 4 lots for the erection of 3 row dwellings and 1 semi-detached dwelling at 5360 McArthur Boulevard, N. W., Lots 13, 14 & 21, Square 1441.

HEARING DATE: July 18, 1973
EXECUTIVE SESSION: October 3, 1973

FINDINGS OF FACT:

1. The present owner is unable to sell the property at its assessed value as a single family dwelling because of its present state of disrepair.
2. The applicants are contract purchasers, whose contract rights are contingent upon the decision in this case.
3. The topographic hardship alleged by the applicant is not unique to the subject property.
4. The applicant has not shown that the property cannot be used as permitted in the R-1-B Zone.
5. Opposition was registered at the public hearing.

CONCLUSIONS OF LAW:

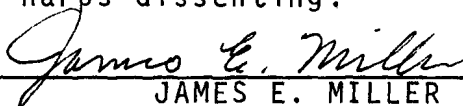
Based upon the above Findings of Fact, the Board is of the opinion that the applicant has not proved a hardship within the meaning of Section 8207.11 of the Zoning Regulations and Palmer v. The Board of Zoning Adjustment, D. C. App. 287 A 2d 535, (1972).

ORDERED:

That the above application be DENIED.

Vote: 3-2, Mr. Harps dissenting.

ATTESTED By:



JAMES E. MILLER
Secretary for the Board

FINAL DATE OF ORDER: DEC 19 1973